

**BPS-21**

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 05-2859

---

DOUGLAS NYHUIS,  
Appellant

v.

UNITED STATES OF AMERICA

---

On Appeal From the United States District Court  
For the Western District of Pennsylvania  
(WD/PA. Civil No. 00-cv-00232-E)  
District Judge: Honorable Sean J. McLaughlin

---

Submitted For Possible Dismissal Under 28 U.S.C. § 1915(e)(2)(B)  
or Summary Action Under Third Circuit LAR 27.4 and I.O.P. 10.6  
October 20, 2005

Before: RENDELL, AMBRO and BECKER, Circuit Judges

---

JUDGMENT

---

This cause came on to be heard on the record from the United States District Court for the Western District of Pennsylvania and was submitted for possible dismissal under 28 U.S.C. §1915(e)(2)(b) or summary action under Third Circuit LAR 27.4 and I.O.P. 10.6. On consideration whereof, it is now here

ORDERED and ADJUDGED by this Court that the order of the District Court entered December 22, 2004, and the order of the District Court entered March 29, 2005 denying Appellant's motion for reconsideration, be and the same are hereby affirmed. All

